

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 5, 2001

**D037366        Mostrong v. The Superior Court of Imperial County/People**

The petition is denied.

**D036466        People v. Mangum**

**D036467        In re Mangum on Habeas Corpus**

The appeal is dismissed and the petition for writ of habeas corpus is denied. Huffman, J.;

We Concur: Kremer, P.J., McDonald, J.

**D035550        People v. Young**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Haller, J.

**D037460        Sheil v. Superior Court of San Diego County/Gale**

The petition is denied.

**D037448        In re Hamilton on Habeas Corpus**

The petition is denied.

**D035313        Johnson v. Tenehaus et al.,**

The petition for rehearing is denied.

**D036508        Randall v. Scovis et al.**

The judgment is reversed as to the fourth cause of action for constitutional invasion of privacy and the first cause of action for section 1798.53 invasion of privacy. In all other respects, the judgment is affirmed. Each party is to bear its costs on appeal. CERTIFIED FOR PUBLICATION.

Huffman, Acting P.J.; We Concur: Nares, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 6, 2001

**D036711 Pro Specialties Group, Inc. v. Imperial Bank**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D037472 People v. Sopher**

Appellant's request for certificate of probable cause having been denied and no appealable issues having been raised in compliance with California Rules of Court, rule 31(d), the appeal is dismissed.

**D037476 Williams v. Eagle Eye Investments, Inc./Williams**

An order compelling attendance at a deposition is not appealable. The appeal is dismissed.

**D037213 In re Robert L. Johnson on Habeas Corpus**

The petition is denied.

**D037158 Johnson v. Superior Court of San Diego County/People**

The petition is denied.

**D036207 Productos Hola Del Noroeste, S.A. De C.V. et al. v. Superior Court of San Diego/The Mexican Candy Company, Inc.**

The petition is granted. Let a writ of mandate issue directing the Superior Court of San Diego County to vacate its order denying the motion of Petitioners to quash service of summons and to set aside the defaults entered against them and to enter a new order granting the motion. Petitioners shall recover their costs in this proceeding. McDonald, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D036487 People v. Rodriguez**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

**D035473 In re Tobacco Cases II**

The judgments are affirmed. Kremer, P.J.; We Concur: Haller, J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 7, 2001

**D034662        Anton v. Olson et al.**

The judgment is reversed and remanded for further proceedings consistent with this opinion.  
McIntyre, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D034041        People v. Mendoza**  
**D036555        In re Mendoza on Habeas Corpus**

The petition for writ of habeas corpus In re Raul Barboza Mendoza, D036555, is consolidated with the pending appeal People v. Raul Barboza Mendoza, D034041.

**D037030        In re Bogard on Habeas Corpus**

The petition is denied.

**D037459        Jennifer C. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied.

**D037011        In re Kuykendall on Habeas Corpus**

The petition is denied.

**D034485        Full-Swing, Inc. et al. v. Carl Bair et al.**

The judgment is reversed insofar as it provides that Bair is individually liable to the respondents for the breach of contract damages and is otherwise affirmed. Bair shall recover costs against the respondents. The respondents shall recover costs against Smart Golf. McIntyre, J.; We Concur: Nares, Acting P.J., O'Rourke, J.

**D037365        Philip Morris Incorporated et al. v. Superior Court of San Diego County/  
Daniels et al.**

The petition is denied.

**D036783        In re Michael F. Wensel on Habeas Corpus**

The petition is denied.

**D035233        Braham v. Department of Motor Vehicles State of California**

At oral argument appellant renewed its motion for dismissal. The parties agreed the matter is moot. The matter is dismissed and the remittitur is to be issued immediately. Respondent is the prevailing party (Cal. Rules of Court, rule 26(a)(1)), and shall recover costs on appeal.

**D036345        In re Julie L. et al., Juveniles**

The orders denying the section 388 modification petition without a hearing and establishing for Julie, Ron, and Kayla a guardianship with their maternal grandmother are reversed. The matter is remanded to the juvenile court with directions to conduct an evidentiary hearing on the section 388 petition. If Jeanne does not prevail on her petition, the court must conduct a new selection and implementation hearing. McDonald, J.; We Concur: Kremer, P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 7, 2001 (Continued)

**D035788        In re Andrew A., a Juvenile**

The juvenile court's judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D036421        People v. Passons**

The conviction for section 529, subdivision 3 is reversed. In all other respects, the judgment is affirmed. O'Rourke, J.; We Concur: Work, Acting P.J., Benke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 8, 2001

**D034741      People v. Johnson**

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D033154      Wilborn v. Decastro et al.**

The judgment and order are reversed and the matter is remanded for further proceedings consistent with this opinion. Appellant shall recover his costs on appeal. McDonald, J.; We Concur: Kremer, P.J., Haller, J.

**D036884      Bayasi et al. v. Crabtree, Individually and as Trustee., etc., et al.**

On January 31, 2001 appellants' request for dismissal of the appeal as to Meristar Hospitality Partnership L.P., MV Resort Inc. and RPD Vagabond, LLC bda Vagabond Inns was granted.

Upon written request by appellant dated February 27, 2001 the appeal is dismissed as to Meristar Hospitality Operating Partnership LP and the remittitur is ordered to issue immediately, (Cal. Rules of Court, rule 19(b)). The appeal is dismissed as to all parties.

**D035980      In re Jordan W., a Juvenile**

Judgment affirmed. Kremer, P. J.; We Concur: Work, J., Nares, J.

**D035930      People v. Boerner**

Judgment affirmed. Work, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D035685      People v. Montalbo**

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, J., Huffman, J.

**D034219      Horsager v. Department of Motor Vehicles of the State of California**

The judgment is affirmed. Work, Acting P.J.; We Concur: Huffman, J., Haller, J.

**D036938      Theresa A. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D037012      In re Dowell on Habeas Corpus**

The petition is denied.

**D034267      People v. Ruiz**

The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Huffman, J.

**D036197      People v. Jacobs**

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D035948      People v. Shaw**

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 8, 2001 (Continued)

**D034956        In re Brandon P. a Juvenile**

The juvenile court's order declaring Brandon a ward is affirmed as modified. Kremer, P.J.;  
I Concur: Haller, J., Dissent (Opinion) McDonald, J.

**D033976        Gum v. H. H. Restaurant, Inc. et al.**

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

March 9, 2001

**D036692        Crowley v. The Neighbors, a California Partnership et al.**

Appellant's request for reconsideration of this court's order dismissing the appeal in its entirety is granted. This court's order of February 7, 2001, is vacated. Respondent Greystone Homes, Inc.'s unopposed motion to dismiss the appeal is granted. The appeal is dismissed as to Greystone Homes, Inc. only.

**D036578        In re Omar S., a Juvenile**

The appeal is dismissed.

**D035872        Zoebisch v. Abdelnour et al.**

The summary judgments are affirmed. Appellant is to pay all costs on appeal. Huffman, J.;  
We Concur: Kremer, P.J., Nares, J.

**D036436        People v. Allen**

The judgment is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., Haller, J.

**D037392        In re Marriage of Michalec**

Pursuant to California Rules of Court, rule 10c, the appeal filed February 6, 2001, is dismissed for appellant's failure to timely designate the record.